

REMARKS

Claims 1-7, 9-14, 16, 18-25 and 27-42 are now pending in the application. Claims 1, 3, 6, 9-11, 13, 18, 19, 22, 24 and 27 have been amended, Claims 8, 15, 17 and 26 have been cancelled and Claims 37-42 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 19, 21-30 and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shabty et al. (U.S. Pat. No. 6,450,981). This rejection is respectfully traversed.

At the outset, Applicant notes that Claim 26 has been cancelled. Independent Claims 19 and 27 have been amended to include a remote computing device connected to the local computing device over a communications link. Such amendments are supported in the Specification at pages 31-33, paragraphs [0075] – [0077].

Shabty discloses a "closed loop system" where the computer is linked only to the electronic counterpulsation controller (col. 9, lines 19-26). Shabty fails to disclose a computing device and electronic controller being linked to a remote second computing device to transfer patient information as Applicant has claimed. Thus, Shabty does not disclose each and every element of Applicant's invention. Further, modifying Shabty for communication with a remotely located computer contradicts the teaching of Shabty, which describes a "closed loop system." Accordingly, reconsideration and withdrawal of the rejection is requested.

Reconsideration and withdrawal of the rejection of dependent Claims 20-25, 28-30 and 36 is also requested for the reasons stated above.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-10, 11-17 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Zheng et al. (U.S. Pat. No. 5,997,540) in view of Shabty et al. (U.S. Pat. No. 6,450,981). This rejection is respectfully traversed.

At the outset, Applicant notes that Claim 8 has been cancelled. Claims 1, 10, 19 and 27 have been amended to include a remote computing device connected to the local computing device over a communications link. Such amendments are supported in the Specification at pages 31-33, paragraphs [0075] – [0077].

Zheng discloses an electronic counterpulsation device and Shabty discloses a “closed loop system” with a computer connected to an electronic counterpulsation device. The disclosure of Shabty in light of Zheng fails to teach or suggest an electronic counterpulsation apparatus including local and remote computing devices able to communicate over a communications link. Because the combination of Zheng and Shabty fail to teach or suggest Applicant’s invention, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection. Dependent Claims 2-7, 9, 11-17 and 20 similarly define over the cited art for the reasons stated above for Claims 1, 10 and 19. Therefore, reconsideration and withdrawal of these rejections are respectfully requested.

Claims 31-35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shabty et al. (U.S. Pat. No. 6,450,981) in view of Zheng et al. (U.S. Pat. No. 5,997,540) and Dillon (U.S. Pat. No. 5,514,079). This rejection is respectfully traversed.

As stated above, the combination of Zheng and Shabty fail to disclose Applicant's invention of independent Claim 27. The addition of the Dillon reference, which teaches the use of EKG sensing devices to control cuff inflation and deflation, still fails to disclose Applicant's computer implemented system for treating a patient and recording patient information including local and remote computers communicating over a communications link. Because the combination of Zheng, Shabty and Dillon fail to suggest or teach Applicant's invention, reconsideration and withdrawal of the Examiner's §103 rejection is respectfully requested.

DOUBLE PATENTING

Claims 1-36 stand rejected under non-statutory double patenting over Claims 1, 7, 9 and 11-13 of U.S. Patent No. 6,589,267 B1. This rejection is respectfully traversed.

Pursuant to 37 C.F.R. §1.321, Applicant is filing herewith a Terminal Disclaimer to disclaim any term of this application's granted patent that continues after November 10, 2017. The appropriate fee under 37 C.F.R. §1.20(d) is included.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is

believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 24, 2003

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